

## Fair Political Practices Commission

**To:** Chairman Getman; Commissioners Downey, Knox, Scott and Swanson

**From:** Luisa Menchaca, General Counsel  
Lawrence T. Woodlock, Senior Commission Counsel

**Subject:** Pending Litigation

**Date:** June 21, 2001

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### 1. *California ProLife Council PAC v. Karen Getman et al.*

On October 19, 2000, the court denied plaintiff's motion for preliminary injunction and dismissed seven of the ten counts in the complaint. Plaintiffs dismissed the Sacramento County District Attorney, and the remaining defendants – the FPPC and the Attorney General – answered what was left of the complaint. The parties are now engaged in discovery, which must be completed on or before October 26, 2001. Trial is set for June 24, 2002.

### 2. *Institute of Governmental Advocates, et al. v. FPPC et al.*

On March 6, 2001 the Institute of Governmental Advocates filed and served a Petition for Writ of Mandate with the Third District Court of Appeal, asking the Court to stay enforcement of Section 85702. That provision was added to the Act by Proposition 34, and prohibits lobbyists from making contributions to candidates and officeholders the lobbyists are registered to lobby. The Court of Appeal denied the Petition, and the action has been refiled in federal district court, where it is now pending before Judge Frank C. Damrell. The Commission is represented in this action by the Attorney General. An answer to the complaint is being prepared and cross motions for summary judgement are expected soon thereafter. A hearing on the motions for summary judgement is expected in late August.

### 3. *Henry F. Ramey v. FPPC*

Plaintiff seeks a declaration in Sacramento County Superior Court that the Commission acted beyond its power in adopting Regulations 18705.1 and 18704.2 during the Commission's Phase 2 overhaul of its conflict of interest regulations. Plaintiff challenges the amendment to Regulation 18704.2(a), which provides that real property in which a public official has an economic interest is "directly involved" in a governmental decision if any portion of that property lies within 500 feet of property which is the subject of the governmental decision. The complaint alleges that the revised regulations reduce the obligations of public officials below a threshold established by statute and

governing case law. The Commission filed its response on May 18.